

Item # \_\_\_\_\_

Prepared by: Michael Oakes  
Engineering

Approved by: M. Dell Stiner  
Assistant County Attorney

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE TO AMEND THE SHELBY COUNTY CODE OF ORDINANCES BY ADDING A NEW ARTICLE VII, ENTITLED “STORM WATER FUND” TO CHAPTER 30, “STORM WATER MANAGEMENT AND POLLUTION CONTROL.” SPONSORED BY COMMISSIONER SIDNEY CHISM.**

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**WHEREAS**, Shelby County Government (Shelby County) desires to provide effective storm water management for all the citizens of Shelby County to protect against the loss of life and property damage from flooding and to minimize to the extent practicable, negative impact of urban runoff on surface water quality; and

**WHEREAS**, Shelby County is required by federal law and regulations, particularly Titles 33 United States Code (33 U.S.C. §1251, et seq.), and 40 Code of Federal Regulations (CFR) Chapter I, Parts 122.32 through 122.35, to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the State of Tennessee, Department of Environment and Conservation (TDEC) for discharges from its storm water system; and

**WHEREAS**, Pursuant to such mandate, Shelby County has obtained a general permit, tracking number, TNS075663, for discharges from Small Municipal Separate Storm System (MS4); implemented certain storm water management practices; and established a “Storm Water Management and Pollution Control” ordinance (Storm Water Ordinance) to provide for such practices; and

**WHEREAS**, Article I, Section 30-1 (4) of the Storm Water Ordinance provides for sound fiscal management of the community and maintenance of a stable tax base by providing appropriate fees and other dedicated funding sources for the administration of the program; and

**WHEREAS**, Shelby County desires to provide a source of funding to manage the Storm Water Program in the unincorporated areas of Shelby County consistent with federal and state laws.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**, That Part II, Chapter 30, Storm Water Management and Pollution Control, of the Shelby County Code of Ordinances be and the same is hereby amended to add Article VII, Storm Water Fund, attached hereto as Exhibit A, and incorporated herein by reference, to establish a Storm Water Fund and establish a storm water user fee for all unincorporated areas of Shelby County.

**BE IT FURTHER ORDAINED**, That the storm water user fee will be designated solely for the utilization of expenses associated with the operation, maintenance, repair, capital improvement projects and other water quality activities associated with the storm water system of Shelby County and all extensions or improvements thereto.

**BE IT FURTHER ORDAINED**, That the monthly storm water user fee and method of collection shall be established by resolution of the Shelby County Board of Commissioners and thirty (30) days notice shall be given in a newspaper before the resolution is adopted.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective according to law, the public welfare requiring it.

\_\_\_\_\_  
Chairman of County Commission

\_\_\_\_\_  
A C Wharton, Jr.  
Shelby County Mayor

Date:\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ADOPTED THIRD READING: \_\_\_\_\_

## SUMMARY SHEET

### **I. Description of Item**

This ordinance establishes a Storm Water Fund to provide funds for management of storm water in unincorporated Shelby County. The Storm Water Fund provides a dedicated source of money to implement and carry out the provisions of the Storm Water Ordinance.

### **II. Source and Amount of Funding**

Revenue will be generated to fund the federally mandated Shelby County Storm Water Program. The Storm Water Fund will generate approximately \$700,000.00 in annual revenue.

### **III. Additional Information Relevant to Approval of This Item**

Shelby County is required by federal regulations to acquire a National Pollutant Discharge Elimination System (NPDES) permit and comply with water quality standards and initiatives within said permit. Shelby County's Storm Water Program is formally evaluated at the end of each fiscal year by the Tennessee Department of Environment and Conservation (TDEC). The County has successfully completed its first five-year cycle required under the current permit and will begin another five-year cycle under a new, more stringent permit after passage by the state.

This ordinance appends the existing Storm Water Ordinance with an additional article creating a Storm Water Fund and specifies its revenue sources and uses. Storm water user fee rates will be set by resolution following the adoption of this ordinance. The rate that is being proposed is \$1.50 per month for residential customers and \$2.50 per month for non-residential customers which will generate approximately \$700,000 in annual revenues for storm water management. These monthly rates are below those set by Memphis, Collierville, Millington and Lakeland. These fees will be incorporated into the Memphis, Light, Gas and Water utility bills for collection.